

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Twana Adams et al

Plaintiffs

vs.

New York State Education Department  
et al

Defendants  
-----X

Civil Action # 08-cv-5996

**NOTICE OF FILING OF REQUESTS FOR WAIVERS**

Edward D. Fagan, hereby declares and says:

1. I am Plaintiffs' counsel in the above referenced matter.
2. With this Notice, Plaintiffs are hereby filing Proofs of Requests for Waiver of Service pursuant to FRCP, that were today mailed by 1<sup>st</sup> Class Mail, Postage Prepaid, to the following Defendants:
  - i. New York State Education Department & Teacher Tenure Hearing Unit;
  - ii. Hon. Richard Mills, Commissioner of Education - NYSED;
  - iii. Maryann Fairman Esq. – NYSED;
  - iv. Deborah A. Marriott Esq. – NYSED;
  - v. Douglas Bantle;
  - vi. Stuart Bauchner;
  - vii. Mary L. Crangle;
  - viii. Howard Edelman;
  - ix. Deborah M. Gaines;
  - x. Eleanor Glanstein;
  - xi. Joshua Javitz;
  - xii. Eric Lawson Jr.;
  - xiii. Andree McKissick;
  - xiv. Randi Lowitt;
  - xv. Earl Pfeffer;
  - xvi. Arthur Riegel;
  - xvii. Martin Scheinman;
  - xviii. Jack Tillem;
  - xix. Bonnie Weinstock; and
  - xx. Paul Zonderman.

3. Additional courtesy copies were provided to each Defendant by fax and/or electronically.

4. The foregoing statements by me are true and accurate to the best of my knowledge, information and belief.


Dated: July 3, 2008

  
Edward D. Fagan

**CERTIFICATION OF SERVICE**

I hereby certify that the foregoing Notice of Filing of FRCP Rule 4 Request for Waiver has been served electronically with the Clerk of the Court,

Dated: July 3, 2008

  
Edward D. Fagan

**EDWARD D. FAGAN ESQ.**

*Five Penn Plaza, 23<sup>rd</sup> Floor, NY, NY 10001, Tel. (646) 378-2225*

*Email: [faganlawintl@aim.com](mailto:faganlawintl@aim.com) (Official Email Address for Court Documents)*

*Email : [faganlaw@gmail.com](mailto:faganlaw@gmail.com) (General Email Address)*

**FRCP RULE 4 - REQUEST FOR WAIVER**

To: Each of the Named Defendants on the Attached List

From: Edward D. Fagan

Re: Adams et al v NYSED et al 08-cv-5996 (UA)

Date: July 3, 2008

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With this Memo, I am sending you a copy of the Summons & Complaint filed against you in the above referenced matter, together with Requests for Wavier of Formal Service of Process, pursuant to FRCP Rule 4.

I am also sending you two copies of the Request for Waiver and a self-addressed stamped - postage prepaid envelope with which you should return the Waiver of Service.

Please note that in the event you fail to accept service in this fashion, we will be compelled to retain formal process servers and pursuant to the Federal Rules, will seek to impose those costs upon you.

Should you have any questions in this regard, feel free to call me directly on my Cell Phone # 917-239-4989.

Ed Fagan

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		
Twana Adams et al	:	Civil Action # 08-cv-5996
Plaintiffs	:	
vs.	:	
	:	
New York State Education Department	:	
et al	:	
Defendants	:	
-----X		

**ENTITIES – PERSONS FOR FRCP RULE 4 WAIVER REQUESTS**

1. New York State Education Department, Teacher Tenure Hearing Unit, Education Building Addition, Room 981, Albany, NY 12234; and Office of Central Administration, 475 Park Avenue South, 2<sup>nd</sup> Floor, NY, NY 10016 and Office of Attorney General, 120 Broadway, New York, NY 10005.

2. Hon. Richard Mills, Commissioner of Education, NYSED, Education Building Addition, Room 981, Albany, NY 12234; and Office of Central Administration, 475 Park Avenue South, 2<sup>nd</sup> Floor, NY, NY 10016 and Office of Attorney General, 120 Broadway, New York, NY 10005.

3. Maryann Fairman Esq. NYSED, Education Building Addition, Room 981, Albany, NY 12234; and Office of Central Administration, 475 Park Avenue South, 2<sup>nd</sup> Floor, NY, NY 10016 and Office of Attorney General, 120 Broadway, New York, NY 10005 – OR – Maryanne Fairman, Office of Medicaid Inspector General, Riverview Center, 150 Broadway, Room 306, Albany NY 12204 – Fax # 518-408-5005.

4. Deborah A. Marriott Esq. NYSED, Education Building Addition, Room 981, Albany, NY 12234; and Office of Central Administration, 475 Park Avenue South, 2<sup>nd</sup> Floor, NY, NY 10016 and Office of Attorney General, 120 Broadway, New York, NY 10005 – OR – Office of School Personnel Review and Accountability, NYSED, 89 Washington Avenue, Albany, NY 12234, Tel # 581-473-2998, Fax # 518-473-8812 and Email address [ospa@mail.nysed.gov](mailto:ospa@mail.nysed.gov).

5. Douglas Bantle, 30 Chillington Lane, PO Box 306, Mendon, NY 14506 – Email address: [bantle@rochester.rr.com](mailto:bantle@rochester.rr.com) .

6. Stuart Bauchner 299 Riverside Drive, # 6-D, New York, NY 10025, Tel # 212-222-8900, Fax # 212-222-5900 and email address: [sebarb@att.net](mailto:sebarb@att.net) .

7. Alan Berg \_\_\_\_\_

8. Mary L. Crangle, Esq. 40 Dover Drive, Delmar, New York 12054, email address: [crangy@aol.com](mailto:crangy@aol.com) .

9. Howard Edelman, 119 Andover Road, Rockville Center, NY 11570, Tel # 516-764-4316, Fax # 516-764-2186.

10. Deborah M. Gaines, 33 West 92<sup>nd</sup> Street, NY, NY 10025, Tel # 212-666-7292 and email address: [dmg01@sprynet.com](mailto:dmg01@sprynet.com) .

11. Eleanor Glanstein, 305 Madison Avenue – Suite 2240, New York, NY 10165, Tel # 212-370-5106, Fax # 697-6299 and email address: [odsgr@worldnet.att.net](mailto:odsgr@worldnet.att.net)

12. Joshua Javitz, 2723 Unicorn Lane NW, Washington, DC 20015-2233, Tel # 202-237-2044, Fax # 202-237-2050 and email address: [jjavitz@aol.com](mailto:jjavitz@aol.com) .

13. Eric Lawson Jr., 11 Whitney Place, Saratoga Springs, NY 12866, Tel # 518-587-0403, Fax # 516-587-0403 and email address: [eblawson@earthlink.net](mailto:eblawson@earthlink.net) .

14. Andree McKissick, 2808 Navarre Driver, Chevy Chase, MD 20815, Tel # 301-587-3343, Fax # 587-3609 and email address: [mckiss3343@aol.com](mailto:mckiss3343@aol.com) .

15. Randi Lowitt, 2 Saddle Hill Road, Far Hills, NJ 07931, Tel # 908-256-0091, Fax # 908-234-1248 and email address: [relowitt@patmedia.net](mailto:relowitt@patmedia.net) .

16. Earl Pfeffer 153 Bellevue Avenue, Montclair, NJ 07043, Tel # 973-783-5367, Fax # 973-783-5367 and email address: [earlpfeffer@comcast.net](mailto:earlpfeffer@comcast.net) .

17. Arthur Riegel, 1 Willow Lane, Hewlett Harbor, NY 11557, Tel # 516-295-3208, Fax # 516-295-3208 and email address: [ariegelesq@aol.com](mailto:ariegelesq@aol.com) .

18. Martin Scheinman, 38 Arden Lane, Sands Point, NY 11050, Tel # 516-944-1700, Fax # 516-944-1771 and email address: [officemfs@aol.com](mailto:officemfs@aol.com) .

19. Jack Tillem, 20 W. Marie Street, Hicksville, NY 11801, Tel # 516-822-7162, Fax # 516-827-1918 and email address: [jdtillem@optonline.net](mailto:jdtillem@optonline.net).

20. Bonnie Weinstock, 9 Cabriolet Lane, Melville, NY 11747, Tel # 631-367-3658 and email address: [arbwein@aol.com](mailto:arbwein@aol.com) .

21. Paul Zonderman, PO Box 9073, Schnectady, NY 12309-0073, Tel # 518-346-3850 and email address: [pzonderman@earthlink.net](mailto:pzonderman@earthlink.net) .

Dated: July 3, 2008

## Waiver of Service of Summons

TO: Edward D. Fagan Esq. 5 Penn Plaza, 23<sup>rd</sup> Floor, New York, NY 10001

I acknowledge receipt of your request that I waive service of a Summons & Complaint in the actions entitled:

**Adams et al v New York State Education Department et al 08-cv-5996**

pending in the United States District Court for the Southern District of New York, and assigned the above referenced docket numbers.

I have also received a copy of the June 30, 2008 Summons and Complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me. I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after (date request was sent), or within 90 days after that date if the request was sent outside the United States.

Dated: \_\_\_\_\_

Signature/Title: \_\_\_\_\_

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant who, after being notified of an action and asked to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver. It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or even its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons has been actually served when the request for waiver of service was received.